

# **EXHIBIT 5C**

Page 123

1 Hardware -- hardware group was close to us, and it was  
 2 not there before, and Partner World was at the other  
 3 end from us, and there was some more, but I don't know  
 4 about them. I remember those two.  
 5 Q And the hardware, that's Mr. Garnett's  
 6 hardware group, or Garrett's hardware group?  
 7 A No. That was another hardware group.  
 8 Q Was that the same hardware group that was  
 9 at Smyrna Highlands or yet another hardware group?  
 10 A Another hardware group, and I can see the  
 11 manager, but I can't remember his name. He had an  
 12 unusual name. The reason I remember that is, I was  
 13 sent from Smyrna Highlands to do a pilot on Avaya, so  
 14 I had to come back to River -- nobody would volunteer  
 15 in the department to do the Avaya pilot, and I said,  
 16 I'll go.  
 17 And Kerry said it would take two weeks  
 18 roughly of being on my own and just testing Avaya to  
 19 see how it would work, whether it would work, and  
 20 working with Cathy Whelan and Jane Jessup but  
 21 primarily with Cathy to see if it could be set up for  
 22 the calls to come in and what have you, and there was  
 23 not a place for us over there, so I had to sit in this  
 24 man's hardware department at a cubicle and use that,  
 25 so I -- I don't remember his name, but it was an

Page 124

1 unusual name.  
 2 Q So prior to this time Teach had not been on  
 3 Avaya?  
 4 A No. We were not on Avaya over at Smyrna  
 5 Highlands, no.  
 6 Q And when you were on -- the first time you  
 7 were on the fifth floor and when you were on the third  
 8 floor, you weren't on Avaya?  
 9 A No. We were on the phone.  
 10 Q And what do you mean by you were on pilot?  
 11 What does that mean?  
 12 A A pilot is -- IBM uses so-called pilots to  
 13 test different applications or different systems they  
 14 want to input, and Avaya was something that had been  
 15 suggested -- I don't know by whom -- but that it would  
 16 be a better way of taking our calls, and we were the  
 17 first department that was going to test that and see  
 18 if we could apply it, and they needed a live body to  
 19 volunteer to take the calls. Cathy Whelan would try  
 20 calls and see if they could come into me, that type of  
 21 thing. She was the one who knew all the ins and outs.  
 22 I was a guinea pig.  
 23 Q So Jane was from -- Jane Jessup was from  
 24 that IT type group?  
 25 A Jane and Cathy were from the same --

Page 125

1 Q They were both --  
 2 A -- type group.  
 3 Q Were there other IBM Teach employees who  
 4 were part of this pilot?  
 5 A No.  
 6 Q Now, the hardware group that was on the  
 7 fifth floor the second time that Teach was there --  
 8 A Uh-huh.  
 9 Q -- was that a inbound call group?  
 10 A They were part of the call center.  
 11 Q They were part of the call center? Do you  
 12 know if that group needed to be call ready at the  
 13 start of their shifts?  
 14 A They were part of the call center. I knew  
 15 they took calls. I don't know.  
 16 Q Was there training on Avaya as part of this  
 17 pilot or after?  
 18 A After.  
 19 Q What -- well, we'll get to training in a  
 20 second. What was your role in the pilot program?  
 21 A To be the guinea pig.  
 22 Q What does that mean?  
 23 A That means that Cathy Whelan would dial to  
 24 see if I could get a call, if the phone would work.  
 25 To get in initially, it was via the phone, and then

Page 126

1 later on it was set up on the computer. Did I see  
 2 this? Did you see this? Can you see this? That type  
 3 of thing.  
 4 Q So were you -- was your role just to get --  
 5 help get Avaya set up, or were you to make a  
 6 recommendation on whether or not you should go to  
 7 Avaya?  
 8 A No. No. I would just help get it set up.  
 9 Q So the decision had already been made? You  
 10 guys were going to Avaya? Let's get it implemented?  
 11 A Uh-huh.  
 12 Q How long did the pilot program take place?  
 13 A Two weeks.  
 14 Q Were you paid for all your time worked  
 15 during that pilot program?  
 16 A I didn't have to work any overtime on that  
 17 pilot.  
 18 Q So you were paid for all the hours that you  
 19 worked?  
 20 A The regular 40 hours a week, yes.  
 21 Q So when the pilot is completed, is that --  
 22 that's the point in time, then, that the rest of Teach  
 23 moves over from --  
 24 A No.  
 25 Q -- Smyrna?

Page 127

1 A No.  
 2 Q When does Teach move back?  
 3 A About a month later, because we could not  
 4 get the space. Hardware had to have time to move out  
 5 and get us the space, and they were not ready to go.  
 6 Q What did you do in that one month? Did you  
 7 go back to Smyrna?  
 8 A Went back to Smyrna.  
 9 Q And just resumed your regular call center  
 10 duties?  
 11 A Exactly.  
 12 Q Now, at what point did this Avaya training  
 13 take place that you mentioned?  
 14 A When we moved -- when we finally got moved  
 15 over, Cathy Whelan did the training, and we were there  
 16 approximately a week, and she did overall -- handed  
 17 out little pamphlet and then told us -- gave us -- got  
 18 us each a user ID and password. And not all of us got  
 19 that at one time. Part of us got it, and then another  
 20 part got it, and then if we had troubles, she would  
 21 sit with each one and make sure each one understood  
 22 how it worked.  
 23 Q What do you recall about that training?  
 24 What do you recall Cathy saying?  
 25 A I recall the user ID and password and to

Page 128

1 watch for calls in queue, that it would take time to  
 2 sign on, that she didn't know how long it might take,  
 3 that the system might not always be available because  
 4 there had been system problems, that there had been  
 5 problems with Avaya, that it was still going to have  
 6 some wrinkles in it, and that we would work with it  
 7 and get those resolved.  
 8 Q Anything else?  
 9 A Not that I recall.  
 10 Q Was this group training, or was it  
 11 individual training?  
 12 A It was both, as I said.  
 13 Q The group training, was that all of IBM  
 14 Teach, or just, you know, three and four -- groups of  
 15 three and four?  
 16 A No. It was a group of us at one time.  
 17 Q So she -- do you remember who was in your  
 18 group?  
 19 A Charles, Sabrina, Lisa, Joe, myself,  
 20 Isabel. I don't remember all the people, but that's  
 21 the good portion of them.  
 22 Q Was Kerry part of the group?  
 23 A Well, he was the manager.  
 24 Q Was he -- yes, but was he part of the group  
 25 that you were being trained with?

Page 129

1 A You mean, did he attend the training?  
 2 Q Yes. You just said that you attended  
 3 training with Charles. Part of your training was with  
 4 Charles, Sabrina, Lisa, and so on.  
 5 A Right. Cathy Whelan --  
 6 Q Was Kerry part of that group?  
 7 A It was with us employees. He did not  
 8 attend that training.  
 9 Q How long did the training last?  
 10 A As a group? Once you passed out little  
 11 flyers, about 20, 25 minutes. Less than half an hour.  
 12 Q And then what was the individual training?  
 13 A She went to each individual workstation  
 14 and -- to see if you had your user ID and password, if  
 15 they would work, if you knew how to log on, if you  
 16 were having problems. I don't know the duration. It  
 17 was per person, whatever their difficulty was. You  
 18 had to sign a sheet that she had gone around and had  
 19 done that.  
 20 MR. ROSSMAN: Actually, let's take a  
 21 five-minute break or something.  
 22 THE VIDEOGRAPHER: Off video.  
 23 (Thereupon, a recess was taken.)  
 24 (Thereupon, marked for identification,  
 25 Defendant's Exhibit D2.)

Page 130

1 THE VIDEOGRAPHER: On video.  
 2 BY MR. ROSSMAN:  
 3 Q Ma'am, I've just handed you a document  
 4 that's been marked as Exhibit 2.  
 5 A Uh-huh.  
 6 Q It's a consent to join collective action.  
 7 Is that a copy of your signature on this document?  
 8 A Yes, it is.  
 9 Q And did you sign the original of this  
 10 document on or about October 17, 2007?  
 11 A I did.  
 12 Q And did you read and understand the  
 13 original of this document before you signed it?  
 14 A I did.  
 15 Q Are you familiar with the totals system?  
 16 A Elaborate on that.  
 17 Q Do you know what it is?  
 18 A Not totals. I know what eTOTALS is, but  
 19 not totals.  
 20 Q Okay, eTOTALS. What is eTOTALS?  
 21 A eTOTALS is a computer-based system wherein  
 22 an employee records time worked, time missed from  
 23 work.  
 24 Q Do you remember when eTOTALS came into  
 25 place?

Page 131

1 A I don't.  
 2 Q Do you remember how you recorded time  
 3 before eTOTALS?  
 4 A I've always been under eTOTALS, so I don't  
 5 know. eTOTALS existed when I worked in the call  
 6 center, when I initially came to IBM.  
 7 Q Totals is – eTOTALS, it's a Web-based  
 8 system; is that right?  
 9 A I don't know that it's Web based. It's a  
 10 unique system set in by IBM. I don't know – I don't  
 11 know the inner guts of it, if you will.  
 12 Q The bottom line is, though, you've used  
 13 eTOTALS, though, for –  
 14 A Under my first manager, Searson, yes, I  
 15 used eTOTALS.  
 16 Q And you yourself have access to eTOTALS; is  
 17 that correct?  
 18 A When? At what point in time are you  
 19 referring to?  
 20 Q When you were in IBM Teach did you have  
 21 access to eTOTALS?  
 22 A Had access but could not submit and get  
 23 paid. I could sign onto the application with my user  
 24 ID and password but could not submit. Required  
 25 manager approval.

Page 132

1 Q What would you sign on to do? Well, let me  
 2 ask you this. Did you ever sign onto eTOTALS while  
 3 you were in IBM Teach?  
 4 A Did I ever sign onto it? Yes.  
 5 Q For what purpose?  
 6 A To record illness.  
 7 Q Anything else?  
 8 A No.  
 9 Q Now, I think when I originally asked you  
 10 what eTOTALS was, you said it was a system to record  
 11 time worked and time missed from work?  
 12 A Yes.  
 13 Q But you're saying when you were in IBM  
 14 Teach, you didn't record your time worked in totals?  
 15 A Time worked means time worked outside of  
 16 normal working hours, overtime, and time missed means  
 17 illness of – jury duty, that type of thing.  
 18 Q So you didn't enter – you – while you  
 19 were in IBM Teach, you did enter time missed from  
 20 work?  
 21 A For – due to illness, yes.  
 22 Q But you did not enter –  
 23 A Overtime.  
 24 Q -- overtime and time worked outside of  
 25 normal working hours?

Page 133

1 A Uh-uh.  
 2 Q Why not?  
 3 A Because it required – the eTOTALS system  
 4 required approval of the manager to submit. It was  
 5 pointless to go to a system that you could not submit,  
 6 so his directive was, record any time ill. And I  
 7 didn't even know that until he came back and said, you  
 8 were out ill a day or two last week. He said, you  
 9 need to go into eTOTALS and record that.  
 10 How do I do that?  
 11 He said, well, sign on, this, this, and  
 12 this is how you do it. I didn't know how to use it to  
 13 record illness.  
 14 Q Who is "he"?  
 15 A Kerry Bethea.  
 16 (Thereupon, marked for identification,  
 17 Defendant's Exhibit D3.)  
 18 MR. ROSSMAN: I only have one copy of this.  
 19 We can get a copy afterwards.  
 20 MR. ZOURAS: Okay. Well, what – what is  
 21 it?  
 22 MR. ROSSMAN: It's just a single e-mail.  
 23 MR. ZOURAS: Okay. Is this three?  
 24 MR. ROSSMAN: Yes, it'll be three.  
 25 MR. ZOURAS: Thanks.

Page 134

1 THE WITNESS: Uh-huh.  
 2 BY MR. ROSSMAN:  
 3 Q Now, I've handed you a document labeled  
 4 Exhibit 3. It's an e-mail I believe from Mr. Bethea  
 5 to you?  
 6 A That's what it says, yes. That's my -- to  
 7 me, yes.  
 8 Q Do you recognize that e-mail?  
 9 A I don't remember it, but this is the way he  
 10 communicated that you have not recorded your ill time  
 11 in totals, because I got -- saw this more than once.  
 12 Q You got e-mails like Exhibit 3 more than  
 13 once?  
 14 A Because I was ill more than once, yes.  
 15 Q So -- I'm sorry. I don't have a copy of  
 16 Exhibit 3 in front of me. What is the date of that  
 17 e-mail?  
 18 A 2/12/2006, 8:24 a.m.  
 19 Q Do you know if you had received the e-mails  
 20 similar to Exhibit 3 prior to that e-mail?  
 21 A Timeline, I don't remember.  
 22 Q I mean, you may have?  
 23 A But I've seen this before. This message,  
 24 yes, more than once.  
 25 Q It could have been earlier than Exhibit 3?

Page 135

1 It could have been later? You don't remember the  
 2 time?  
 3 A I don't remember.  
 4 Q Now, how do you -- how did you come to  
 5 understand that approval was required to log overtime  
 6 in totals?  
 7 A Kerry Bethea told us, and that same system  
 8 still exists where I am now. Kim Ramirez has to sign  
 9 off on it. Manager approval. That's to prevent an  
 10 employee from submitting time and getting paid for  
 11 time that is not authorized by IBM, if you will.  
 12 Paying for time that may not have been worked. The  
 13 manager is the control on that.  
 14 Q And I believe you testified yesterday under  
 15 Miss Ramirez, you've been paid for all the overtime  
 16 that you have worked?  
 17 A I have. She's very diligent about it. She  
 18 -- she announces at our staff meetings that we have  
 19 usually, once a month, be sure that you submit all  
 20 your overtime; I want to make sure you're fairly  
 21 compensated for all the good work you do. Those were  
 22 her exact words.  
 23 Q Did Mr. Bethea ever make any statements  
 24 like that to you?  
 25 A No. No. No.

Page 136

1 Q So he's quite different than Miss Ramirez  
 2 in that regard, I take it?  
 3 A As far as -- you're referring to the  
 4 handling of overtime?  
 5 Q Correct.  
 6 A Yes. He --  
 7 Q Now, aside from the issue with the 44 hours  
 8 that we discussed yesterday, were there any occasions  
 9 where Mr. Bethea instructed you not to record overtime  
 10 in totals?  
 11 A He said -- he instructed our department,  
 12 including myself, not to put totals -- not to put our  
 13 numbers into totals for overtime unless he approved  
 14 it. He stated that we were sponsored, and the sponsor  
 15 would not agree to paying that.  
 16 Q Are you aware of any instances where  
 17 Mr. Bethea approved overtime for the Teach department?  
 18 A I'm not.  
 19 Q You don't know one way or another?  
 20 A I don't know.  
 21 Q Can you look at Exhibit 1, which is your  
 22 declaration?  
 23 A This? Okay. Yes, I have it.  
 24 Q In the sixth paragraph --  
 25 A Yes.

Page 137

1 Q -- I believe it's the third sentence, it  
 2 says, "Exceptions can only be entered by managers."  
 3 A Uh-huh.  
 4 Q What do you mean by that?  
 5 A Means that -- a manager could enter to have  
 6 you paid for overtime or time missed. IBM has a  
 7 policy of allowing pay for a certain number of field  
 8 days, and at that time to the best of my knowledge, it  
 9 was four ill days that IBM would pay.  
 10 After that, it was a management decision  
 11 whether you would be paid for ill time or not, and the  
 12 manager had to enter in there to approve for you to be  
 13 paid or you would not be paid, and I know that because  
 14 I was out sick with laryngitis and pneumonia for over  
 15 a week, and I was not sure if I would get paid, so I  
 16 asked him when I come back, I said, will I get paid?  
 17 And he said, that's a management  
 18 decision.  
 19 I said, well, will you let me know,  
 20 because I'm on a budget plan, and I need to know  
 21 whether I'll have enough money or not.  
 22 Q Right. So did you get paid for that time?  
 23 A I did get paid for that time. And I had to  
 24 bring a doctor's certificate, though.  
 25 Q In paragraph 8 of your declaration there's

Page 138

1 the sentence that begins on the bottom of the first  
 2 page and it goes onto the second. It says, "To do  
 3 so" --  
 4 A "To do so."  
 5 Q "To do so, I and other call center  
 6 employees routinely arrived at our desk to work at  
 7 least 15 to 30 minutes and sometimes up to a half an  
 8 hour before our scheduled start time."  
 9 A No. It says up to an hour. You said half  
 10 an hour.  
 11 Q Did I?  
 12 A Yes, you did.  
 13 Q Well, the document will speak for itself.  
 14 I didn't mean to misread the document, but to be  
 15 clear, "Routinely arrived at our desks to work at  
 16 least 15 to 30 minutes and sometimes up to an hour  
 17 before our scheduled start times."  
 18 So were there times when you arrived to  
 19 your desk 15 minutes before your start time?  
 20 A More often than not, yes.  
 21 Q More often than not, you arrived 15 minutes  
 22 before your start time?  
 23 A More than 15 minutes before my start time.  
 24 Q Were there times where you arrived only 15  
 25 minutes before your start time?

Page 139

1 A No.  
 2 Q Were there some employees in IBM Teach who  
 3 arrived -- when you were there, who arrived 15 minutes  
 4 before their start time?  
 5 A Or later?  
 6 Q Fifteen minutes or less?  
 7 A Fifteen minutes or less before their start  
 8 time? Yes.  
 9 Q Were there some employees who arrived at  
 10 their start time when you were in IBM Teach?  
 11 A Yes.  
 12 Q And the employees who arrived at their  
 13 start time, they were employees who were on the phones  
 14 just like you?  
 15 A Yes.  
 16 Q And the employees who arrived 15 minutes  
 17 before their start time, they were employees on the  
 18 phones just like you?  
 19 A Yes.  
 20 Q In paragraph 17 of your declaration --  
 21 A Uh-huh.  
 22 Q -- can you read the -- the second sentence?  
 23 MR. ZOURAS: Want her to read it out loud?  
 24 MR. ROSSMAN: Yes.  
 25 THE WITNESS: That starts with "IBM"?

Page 140

1 BY MR. ROSSMAN:  
 2 Q Correct. "IBM directed" --  
 3 A "IBM directed us to finish a call even if  
 4 it continued past our scheduled shift or make sure the  
 5 call was transferred to another call center employee."  
 6 Q Is that a direction that you yourself  
 7 received?  
 8 A Yes.  
 9 Q And who directed you to do that?  
 10 A The manager and the team lead.  
 11 Q And the manager was Kerry Bethea?  
 12 A He was.  
 13 Q And who was the team leader?  
 14 A It was Isabel Colon at one time and Marcia  
 15 Gibson at another time.  
 16 Q When you yourself were a team lead, did you  
 17 ever give that direction to employees?  
 18 A Yes.  
 19 Q So if you were on a call at the end of your  
 20 start time, you had the choice to either continue  
 21 yourself on the call or transfer it to another  
 22 employee?  
 23 A If you had to be somewhere, like, for  
 24 example, we had people who had children that had to be  
 25 picked up at a certain location and they were small

Page 141

1 children, they would say, hey, Cathy, can you take  
 2 this call; I've got to go pick up my kids.  
 3 And if you were not on the call, you say,  
 4 okay, yes, I will help you out, and then the call  
 5 would come over to you, and you have to stay however  
 6 long it took to finish that call.  
 7 Q Did you ever transfer calls to other  
 8 employees at the end of your shift?  
 9 A I did.  
 10 Q Now, the times that you took a call after  
 11 the end of your scheduled shift, did you ever record  
 12 that time in totals?  
 13 A No.  
 14 Q Did you ever attempt to record that time in  
 15 totals?  
 16 A No.  
 17 Q What are service levels that you refer to  
 18 in paragraph 18 of your declaration?  
 19 A Service level is the number of calls versus  
 20 the amount of people available to take those calls and  
 21 -- in a measured timeline to a satisfactory  
 22 conclusion. Customer calls, you have so long to  
 23 handle that call satisfactorily, get off the phone,  
 24 take the next call. But you could not log off the  
 25 phone. The next call would just pop in there.

Page 142

1 Whoever is available -- as I said before, calls kept  
 2 hunting a free line and kept popping in.  
 3 Q In paragraph 18 you say, "IBM informed us  
 4 that it helped service levels."  
 5 A Yes. Because we didn't have dropped calls.  
 6 Q And the "it" I take it is the off-the-clock  
 7 work that you mentioned?  
 8 A Handling, yes.  
 9 Q Who informed you that off-the-clock work  
 10 helped service levels?  
 11 A Kerry Bethea and Sharon Lofton, the second  
 12 line, and the team leads.  
 13 Q What were Mr. Bethea's exact words?  
 14 A I don't recall his exact words.  
 15 Q So you don't recall what he said, but your  
 16 impression of whatever he said was that off-the-clock  
 17 work would help IBM service levels?  
 18 A It was not an impression. He said that our  
 19 work off the clock in handling calls outside of normal  
 20 working hours would improve our service levels because  
 21 it would reflect dropped calls. He did not want  
 22 dropped calls as a team or as an individual.  
 23 Q Did he use the term "off-the-clock work"?  
 24 A Yes, he did.  
 25 Q Now, what were Sharrie's exact words, if

Page 143

1 you recall?  
 2 A Sharrie?  
 3 MR. ZOURAS: She said Miss Sharon Lofton.  
 4 BY MR. ROSSMAN:  
 5 Q Oh, Sharon. Sharon Lofton? What were her  
 6 exact words?  
 7 A Sharon Lofton, she said -- well, she would  
 8 come into our department monthly and have a little pep  
 9 talk and say, you need to avoid dropped calls. If  
 10 that means signing on before your start time, take  
 11 those calls. Do not let calls drop because it affects  
 12 your service levels, and if we have dropped calls, we  
 13 have low service levels. Our sponsor may decide no  
 14 longer to sponsor, and she said, guess what? You  
 15 won't have jobs.  
 16 Q So if a call drops off prior to your shift,  
 17 you're saying that affects your service levels?  
 18 A We didn't answer that call. We didn't  
 19 service it. It was in the queue. The system was not  
 20 intelligent enough to know that that was outside our  
 21 -- our normal operating hours. All it knew, it was --  
 22 there was a call; there wasn't a body to answer that  
 23 call. There should have been a body to answer that  
 24 call, because there was a customer there.  
 25 Q So what if I call in, then, at midnight?

Page 144

1 A Uh-huh.  
 2 Q It's going to affect your service levels?  
 3 A If you go to -- don't go to the Internet  
 4 and go into the queue, absolutely, you'll drop off,  
 5 because nobody's going to be there that I know of to  
 6 answer your call. We didn't have service at midnight.  
 7 Q Did -- did Sharon use the term  
 8 "off-the-clock work" when she was speaking with you?  
 9 A She said outside of your normal sign-on  
 10 hours was the way her terminology went. Kerry would  
 11 say off the clock.  
 12 Q What about the team leads? Did they say  
 13 off the clock?  
 14 A They used terms interchangeably, Marcia and  
 15 Isabel.  
 16 Q Now, when you were a team lead did you  
 17 inform employees that off-the-clock work would help  
 18 service levels?  
 19 A I said outside of your normal sign-on  
 20 hours, yes.  
 21 Q So you yourself encouraged employees to  
 22 take calls outside of their sign-on hours?  
 23 A I was told by my manager to tell the  
 24 employees to take calls. Sign on, go available, my  
 25 exact words to them.

Page 145

1 But it's not my time; I don't come in  
 2 until --  
 3 Did you hear what Kerry said? He said,  
 4 get on the phone. And they would get mad.  
 5 Q Did you ever complain to anyone that  
 6 Mr. Bethea was instructing you to tell employees to  
 7 work outside of their normal service hours?  
 8 A No. He was my manager.  
 9 Q Did you ever tell Mr. Bethea that this is  
 10 something you didn't want to do?  
 11 A No. That's insubordination. I didn't want  
 12 to lose my job.  
 13 Q But you said when Mr. Bethea instructed you  
 14 to alter the DOR reports, you told him you would not  
 15 do that?  
 16 A I refused to alter.  
 17 Q Was that insubordination?  
 18 A No. I refused to alter, and he knew that  
 19 he was altering the report. I did -- already had done  
 20 my work, submitted the report. That was not  
 21 insubordination.  
 22 Q Well, regardless of whether Mr. Bethea had  
 23 told you to instruct employees or not, you were, in  
 24 fact, instructing employees to work without payment;  
 25 correct?

Page 146

1 A I followed his guidance.  
 2 Q Do you know whether that guidance violated  
 3 IBM policy?  
 4 A I don't know.  
 5 Q That didn't concern you?  
 6 A I'm not a legal expert. I didn't know what  
 7 the law was on that.  
 8 Q I'm not talking about the law. I'm talking  
 9 about IBM policy?  
 10 A I don't know IBM policy on that.  
 11 Q Do you know what IBM's policy is on  
 12 falsification of records?  
 13 A To the letter of the law, no.  
 14 Q Do you have any idea what IBM's policy is  
 15 about falsification of records?  
 16 A I don't know. The -- I've never read the  
 17 legal document for that. I don't know.  
 18 Q Do you have access to IBM policies on the  
 19 Internet?  
 20 A Probably do. The only one I -- we certify  
 21 is the business conduct guidelines, and to the point  
 22 that it relates to me as an employee and the work that  
 23 I do.  
 24 Q Do you know if any of the business conduct  
 25 guidelines deal with falsification of records?

Page 147

1 A I do not know. I haven't falsified any  
2 records and will not.  
3 Q In paragraph 20 of your declaration there's  
4 a line that said, "Moreover, if call center employees  
5 completed an exception report they were considered a,  
6 quote, troublemaker, and continued employment would be  
7 doubtful."

8 Did anyone tell you that continued  
9 employment would be doubtful if you submitted an  
10 exception report?

11 A I was told by my manager that I could not  
12 submit a form unless he approved it. The chain of  
13 command at IBM was, employee submits; he approves; it  
14 goes to the second line. It has to have second line  
15 approval. Without that, it goes nowhere, and you're  
16 overstepping your bounds.

17 Q Were you ever told that continued  
18 employment would be doubtful if you submitted an  
19 exception report into totals?

20 A I was told when I went to the HR partner to  
21 complain, that my continued employment would be  
22 doubtful if it was disclosed to the manager and to the  
23 second line.

24 Q I'm not talking about the 44 hours and what  
25 the HR department told you. What I'm talking about

Page 148

1 is, were you ever told by Mr. Bethea or anyone else  
2 that if you submitted an exception report into totals,  
3 your continued employment would be doubtful?

4 A Yes.

5 Q Who told you that?

6 A Mr. Bethea.

7 Q When did he tell you that?

8 A When an employee, Ron Porter, tried to  
9 submit a report in eTOTALS showing that he worked when  
10 he didn't work and tried to submit it, and I caught  
11 it.

12 Q So Ron Porter submitted a report that was  
13 false?

14 A In eTOTALS. He tried to. He tried to show  
15 that he had worked, but he had not been there, and I  
16 had to go back and find records to show that he  
17 worked. I had to go to security, see if they could  
18 produce a badge-in report to show that he entered the  
19 building or not and go to Jane and see if she could  
20 pull a report to see if he -- his phone had any calls,  
21 to prove whether or not he was there. He was not  
22 there.

23 Q So he was trying to steal from the company?

24 A Yes, he was. And guess what? He was later  
25 terminated.

Page 149

1 Q Well, what I'm asking is, were you ever  
2 told that if you submitted an overtime report into  
3 totals, an exception report into totals for hours that  
4 you actually worked, your continued employment would  
5 be doubtful?

6 A You just said for hours I actually worked.  
7 I didn't record in totals, hours actually worked. The  
8 system assumed that you worked 40 hours. I didn't  
9 submit that.

10 Q Okay.

11 A I was told that we do not access eTOTALS to  
12 submit overtime, because it requires management  
13 approval. Management would not approve it because the  
14 sponsor would not pay for it, and that would cause us  
15 to lose our jobs. The money was not there.

16 Q This is, I think, a very simple question.  
17 Were you ever --

18 A Well, I've given the answer.

19 Q Were you ever told that if you submit an  
20 exception report showing overtime that you had  
21 worked -- not like Mr. Porter, but overtime you had  
22 worked -- that your continued employment would be  
23 doubtful?

24 A Yes.

25 Q And when was that?

Page 150

1 A As I told you, to submit an exception  
2 report that would be via eTOTALS, I would have to  
3 submit the overtime. I could not submit that without  
4 management approval. I couldn't do it. That would be  
5 an offense that would call me into the manager's  
6 office. I would be called to the second line because  
7 I was trying to submit something that required  
8 management approval against IBM's policy.

9 Q And who told you that?

10 A The manager, Kerry Bethea.

11 Q Kerry Bethea told you if you submitted an  
12 overtime report into totals, that you --

13 A eTOTALS.

14 Q eTOTALS, that you would be called into the  
15 office?

16 A Absolutely. It required management  
17 approval. We did not have the approval. He had told  
18 us we did not have the approval to submit that into  
19 eTOTALS. Only for ill time and only with his okay.

20 Q And I don't suppose you remember when it  
21 was that he told you that?

22 A I do not.

23 Q And I don't suppose you have any documents  
24 that would verify that he told you that?

25 A I did have at one time. I do not now, no.

Page 151

1 Q What was the document or documents you had  
2 that would verify that?  
3 A E-mail from him via Lotus Notes.  
4 Q And you no longer have that?  
5 A I don't.  
6 Q When did you first decide you wanted to  
7 take legal action against IBM?  
8 A Such as this? I'm sorry. I -- I don't  
9 understand the question.  
10 Q When did you first decide that you wanted  
11 to be -- you want to sue IBM?  
12 A Well, when I became aware there was a  
13 lawsuit that was possible that was going forward to  
14 receive compensation for time worked that IBM had not  
15 paid for, and Charles made me aware of that. I was  
16 not aware of it on my own.  
17 Q When did you speak with Charles about this?  
18 A I don't recall the exact date. He called  
19 me. I'm friends with his wife and daughter.  
20 Q Was it before or after you had accepted  
21 your new position?  
22 A After. You mean in volume?  
23 Q Correct.  
24 A It was after I had been in volume.  
25 Q And what do you recall about your

Page 152

1 conversation with Charles?  
2 A He stated that he -- a lawsuit had been  
3 filed for Teach employees to be compensated for  
4 overtime worked; would I like to join the lawsuit?  
5 And I said, well -- I said, I am owed  
6 overtime. IBM has never paid me and probably will not  
7 pay me, so who's -- who's initiating the lawsuit?  
8 And he said, well, I want to know, would  
9 you like to join it?  
10 I said, well, let me think about it, and  
11 I said, I'd need to know more about it.  
12 So he said, well, let me know if you are  
13 interested.  
14 So I thought about it, and I said -- I  
15 called him back and I said -- about a week, roughly  
16 time frame, and I said, yes, I would be interested  
17 because I still want to get paid for the time that I  
18 was not paid. My primary was my 44 hours.  
19 But then the -- he entered into, well,  
20 what about all the times that we logged on the phone?  
21 And I said, many, many, many times.  
22 And he said, that would be included in  
23 that.  
24 I said, well, yes, I would like to get  
25 paid.

Page 153

1 And he said, well, I'm initiating the  
2 lawsuit; would you like to join it?  
3 And I said, yes.  
4 Q The document that you had previously  
5 mentioned, an e-mail from Mr. Bethea stating that  
6 continued employment would be doubtful if you  
7 submitted an exception report?  
8 A Yes.  
9 Q Did you get rid of that before or after  
10 your conversation with Charles?  
11 A I got rid of it when I left IBM Teach. I  
12 threw away all my documents. I was going to a new  
13 arena. I had no longer need of that. Threw them all  
14 in the confidential bin at IBM.  
15 Q Were you an hourly employee the whole time  
16 you were with IBM Teach?  
17 A I was.  
18 Q So you were never paid a salary at any  
19 point in time?  
20 A No.  
21 Q Aside from the conversation you were  
22 describing with Charles a second ago, have you had  
23 other conversations with Charles about the lawsuit?  
24 A One in particular, yes.  
25 Q Was your counsel present during that

Page 154

1 conversation?  
2 A No. Charles was staying -- there was a Web  
3 site that was loaded on the system, and could go into  
4 the Web site and see the status. Was I aware of that?  
5 I said, no. I don't ever go in to look  
6 at any of that stuff. I said, what is the URL, and he  
7 told me the URL.  
8 Q Have you had any conversations about the  
9 lawsuit with anyone else other than counsel?  
10 A No. Well, yes. My dog. I talk to my dog  
11 about it.  
12 Q Your dog?  
13 A I do.  
14 Q Let me clarify it.  
15 A I do.  
16 Q With any other human beings?  
17 A No. But I do talk to Max, my dog.  
18 Q Well, there's nothing wrong with that.  
19 A No. He's a good listener, and he doesn't  
20 talk back.  
21 Q Yes. I was going to say, he probably  
22 doesn't say too much back to you, does he?  
23 A He just looks at me like, okay.  
24 Q Now, in paragraph 23 of your declaration --  
25 A Paragraph 23? Yes, indeed. I'm there.

Page 155

1 Q You say, "There were times when employees  
2 were told to wait to go to the bathroom later"?"  
3 A Yes.  
4 Q Is that something that you were told  
5 yourself?  
6 A Yes.  
7 Q Who told you that?  
8 A Kerry Bethea and our team lead.  
9 Q When you were team lead did you tell other  
10 employees to wait to go to the bathroom?  
11 A I did. Ron Porter.  
12 Q You told Ron Porter to wait to go to the  
13 bathroom?  
14 A I did. You know why? Because Ron Porter  
15 liked to fake going to the bathroom. If he was on the  
16 troublesome call, Ron Porter didn't want to take the  
17 call. He would go to the bathroom. Ron Porter went  
18 to the bathroom more than any employee in Teach, and  
19 Kerry was aware of that. He knew that Ron was --  
20 Q Not a good employee?  
21 A Well, no. That Ron was faking it. He  
22 said, we got to get you to a doctor. We got to get  
23 you to a doctor.  
24 THE VIDEOGRAPHER: I'm sorry. Could I have  
25 you just raise your microphone up for me, please?

Page 156

1 The staple is coming off. Thank you.  
2 BY MR. ROSSMAN:  
3 Q Now, you also said that -- this is again  
4 paragraph 23.  
5 A Paragraph 23, yes.  
6 Q "Lunches and breaks were denied, and at  
7 times employees were given a small lunch to eat at  
8 their desk."  
9 A No. A small sandwich.  
10 Q Oh, a small sandwich?  
11 A Oh, yes. Oh, yes.  
12 Q Well, let's -- who denied lunches and  
13 breaks?  
14 A Kerry Bethea and Sharon Lofton.  
15 Q And how did that occur?  
16 A Sharon -- Sharon more than Kerry. Sharon  
17 would come into the department and say, we've got lots  
18 of calls in queue, and an employee would say -- like  
19 myself would say, well, my lunchtime is now. No,  
20 you're not going to lunch. We're not going to lunch.  
21 We've ordered you sandwiches, and you eat at your desk  
22 today. No lunches today. No breaks.  
23 Q How often would that occur?  
24 A That's a difficult one to answer. It was  
25 heavy call volume days and -- hard to say when those

Page 157

1 were, but it was frequent enough so that I felt like  
2 complaining about it, but I didn't. I started  
3 bringing myself a sandwich just in case and --  
4 although we weren't supposed to stash food at our  
5 desks, we stashed crackers and things. Would be so  
6 doggone hungry, and they would not bring the sandwich  
7 until two or 2:30. I was ready to fall over. I'd  
8 been there since before seven. I was hungry. I had  
9 to eat.  
10 Q Well, I'm trying to get a sense, though,  
11 of -- I mean, any sense of how often this would occur.  
12 I mean, was it, you know, a monthly thing or a  
13 quarterly thing?  
14 A Oh, no. It was more frequent than  
15 quarterly.  
16 Q More than monthly?  
17 A Yes. And the sandwiches usually came from  
18 subway, and they got the -- the little-bitty ones, and  
19 we all had to eat one flavor, and we didn't like that  
20 either.  
21 Q What was the flavor?  
22 A Ham. I don't like ham, so it didn't work  
23 out for me. Most of us didn't like ham, because we  
24 had people in there that were on diet and healthy and  
25 wanted the turkey and all, but we couldn't get the

Page 158

1 turkey.  
2 Q So she gave you the same flavor every time?  
3 A Same flavor.  
4 Q What was on it besides ham?  
5 A Ham, lettuce. Sometimes you got a tomato;  
6 sometimes you didn't, and little packets of mustard,  
7 ketchup, they didn't put on there, and that vinegar  
8 stuff that tastes so good, we could not get the  
9 vinegar stuff. We did ask for it.  
10 Q Did she bring you chips or anything too?  
11 A Usually not. Sometimes we did, but -- and  
12 no drink. You were on your own for a drink.  
13 Q Has Miss Ramirez ever denied you a lunch  
14 break?  
15 A Oh, no. She lets me eat too much.  
16 Q Has she ever denied you just a regular  
17 restroom, 15-minute break? Miss Ramirez?  
18 A We don't take breaks. It doesn't work like  
19 that there. If you need to go to the bathroom, you  
20 go. Her philosophy is, I hired you; I respect you  
21 enough to know that you know what you need to do to  
22 get your job done and get it done in timely and  
23 accurate fashion, and she does -- she's very strict on  
24 deadlines she has for different reports.  
25 I render monthly reports to her, and they

Page 159

1 have to be in at a certain time, and she trusts me to  
 2 get those done on time, and I do. If I have to stay  
 3 overtime and stay overtime and get those done, and she  
 4 pays me for it. She's very up -- very fine in that  
 5 fashion. Runs a good shop, and she brings us treats  
 6 too that she bakes, and they're very good.

7 Q That's good. What -- now, you're still a  
 8 band four; is that correct?

9 A I am.

10 MR. ROSSMAN: Can we go off the record for a  
 11 few minutes?

12 THE VIDEOGRAPHER: Off video.  
 13 (Thereupon, a recess was taken.)

14 THE VIDEOGRAPHER: On video.

15 BY MR. ROSSMAN:

16 Q Ma'am, when you were in IBM Teach, were  
 17 there ever times when you were late for work?

18 A One time.

19 Q One time?

20 A Yes.

21 Q When was that?

22 A I don't recall the exact date, but I got  
 23 hit by a car.

24 Q So no other time beyond that?

25 A No.

Page 160

1 Q Did you lose any pay the time you were hit  
 2 by the car on the way to work?

3 A No. I was paid.

4 Q Was there ever an occasion where you were  
 5 not -- again, this is when you were with IBM Teach.  
 6 When you were not call ready at the start of your  
 7 shift?

8 A No. Only if the system had problems, then  
 9 it affected all of us, or my particular computer had  
 10 crashed and couldn't get it to boot up. So again, the  
 11 system.

12 Q Are you familiar with the claims system?  
 13 IBM's claims system?

14 A No.

15 Q That's not something you use?

16 A No. Never heard of it until now.

17 Q Are you familiar with something called the  
 18 average sign-on hour daily objective?

19 A Yes.

20 Q What is that?

21 A It meant that you as an employee were given  
 22 a -- a percentage of how much per day that you were  
 23 supposed to be signing on, available to take calls,  
 24 and you needed to meet that. You were measured on  
 25 that as far as performance. I don't recall the exact

Page 161

1 number.

2 Q Well, if you were -- if you maintained,  
 3 say, a 7.56 average sign-on, what did that -- what  
 4 would that mean, exactly?

5 A Well, you worked an eight-hour day. You  
 6 were allowed lunchtime and break times, so that would  
 7 mean that you were available and taking calls that  
 8 percentage of the day.

9 Q So you were available and taking calls for  
 10 -- you would be 7.5 percent of your day?

11 A Uh-huh.

12 Q What would you be doing the rest of the  
 13 day?

14 A Working queues. Maybe you took a bathroom  
 15 break. Maybe you took a break you should not have.  
 16 Maybe you put -- you were on hold. Maybe your system  
 17 went down. Could be a variety of things.

18 Q What are quality observations audits?

19 A Quality observation audits were conducted  
 20 by IBM's internal audit team. They could be surprise,  
 21 like a visit to your desk doing side by side,  
 22 listening to calls, listening to you take the call.  
 23 They could be done silent monitoring. That means they  
 24 would kind of tunnel in, and you would not know it,  
 25 and listen to you take the call and then render back a

Page 162

1 report on how you did.

2 And there was a list. I don't have it  
 3 anymore. A list of -- I think there were 25, 30  
 4 different objectives on a -- making a good call, good  
 5 customer communication, and be ticked off on each one  
 6 or get a zero, and then you would -- the auditor would  
 7 meet with you and say, well, you didn't make it;  
 8 here's a deficiency that you have had. And you could  
 9 ask to listen to the call, but not always because  
 10 sometimes the auditors thought the calls were  
 11 recorded, and they forgot to record it.

12 Q What is ACW?

13 A ACW is after call work.

14 Q And what is involved in after call work?

15 A Hit a button on the phone, and you could  
 16 not get a call in.

17 Q And the goal was 20 percent after call work  
 18 less; is that correct?

19 A Right. You weren't supposed to use that  
 20 ACW if you could help it. Try to minimize that. Just  
 21 don't use it.

22 Q The 20 percent, though, that would be  
 23 20 percent of your time during the day? That was the  
 24 goal?

25 A There was a goal. I don't know what the

Page 163

1 goal -- I don't remember what the goal was. There was  
2 a percent, though, that was acceptable and a percent  
3 not. The less, the better. None if you could make  
4 it. Sometimes you had to go into ACW because the  
5 customer might ask something that you didn't know and  
6 you had to go get help.

7 Q Well, what -- so what types of activities  
8 would you be doing when you were in this ACW?

9 A In ACW? Okay. A customer calls, and  
10 they're complaining. You have to go to the team lead  
11 to get help and/or the customer has gotten so angry  
12 that you can't handle that customer and you need team  
13 lead to come over and plug into your system and take  
14 that call and let you listen. Anytime team lead  
15 plugged in, we would listen. Put our -- ourselves on  
16 mute and then listen to how that was resolved.

17 It could be you were asked to do -- have  
18 quality monitoring come in. They want to sit with you  
19 and go over your quality observation. You could have  
20 the team lead come over and ask you to go into ACW for  
21 a variety of reasons. So you were not to do it on  
22 your own unless it was approved by the team leader or  
23 the management or the second line.

24 Q Does the amount of ACW affect the  
25 department's service level?

Page 164

1 A Yes, it does.

2 Q Are you aware of any instance where  
3 Mr. Bethea or anyone else attempted to alter reports  
4 from the department on after call work, ACW?

5 A I don't know about ACW.

6 Q What is the VRU customer survey recorder?

7 A I don't know. I've heard of it, but I  
8 don't know.

9 Q Do you know what QMS is?

10 A Not anymore. I used to, but I don't  
11 remember anymore. No. I've been gone too long.

12 Q We've talked about this throughout the  
13 deposition, but can you just tell me what AUX codes  
14 are? A-U-X?

15 A AUX codes are -- okay. Say in -- I may  
16 have the -- the numbers wrong because of memory, but  
17 you have code, like maybe a one might be a break. Two  
18 might be lunch. Three might be bathroom. Nine might  
19 be other. And what you had to do was use that number,  
20 put your phone in and code it so it would show, hey,  
21 I'm in one or I'm in two; I'm at lunch.

22 But to record any time that you were not  
23 in available status to take a call, and those codes  
24 were set up so that the department could be measured  
25 in terms of, well, this is how much lunch everybody

Page 165

1 took as a group. This is how much unauthorized break  
2 time. This is how much break time. If people were  
3 supposed to take a 15-minute break in the morning and  
4 afternoon and they wound up taking 30 in the morning  
5 and 30 in the afternoon, that would show up, because  
6 when you came back, you was supposed to be available,  
7 and when it clicked off, it would record that.

8 Q Did the AUX codes change over time when you  
9 were in Teach?

10 A As best I recall, I think one or two codes  
11 changed, but I don't remember now. They did not stay  
12 the same, though.

13 Q How did -- how did AUX codes, the different  
14 AUX codes, affect the group's service levels?

15 A Well, as I said, if you were supposed to  
16 take -- go into AUX-2, for example, if that was break,  
17 and say you were supposed to go on break, and you --  
18 you keyed into AUX, 15-minute break but you were gone  
19 30 minutes, it was still in two, so you had 30 minutes  
20 in two instead of 15 minutes. And that affected,  
21 partly because if we had a lot of calls and we had the  
22 allotted number of people taking the calls, there  
23 would be calls that could not be answered because you  
24 overstepped your break. Calls came in during that  
25 time, they were dropped calls.

Page 166

1 Q Were you ever aware of any instance in  
2 which Mr. Bethea or anyone else altered reports  
3 related to AUX codes?

4 A I was not.

5 Q What are customer satisfaction complaints?

6 A There are -- customer satisfaction  
7 complaints are called CUSSATS for short, and that is  
8 when a customer calls and complains that they were not  
9 serviced in the manner that they wanted to be. They  
10 may say that that representative was not  
11 knowledgeable, gave them incorrect information, was  
12 rude, hung up on them. That type of thing.

13 Q What are KCFR tests?

14 A I don't know. I've never heard of that.

15 Q How about KCO tests?

16 A Never heard of that.

17 Q SOX test? S-O-X?

18 A I don't know in the Teach environment. I  
19 know we have SOX testing over in our area, and I know  
20 Chris does it, but I don't know what it entails other  
21 than it has to do with compliance with an accepted  
22 standards to ensure that we meet certain quality, and  
23 that's all I know. I don't -- don't get involved in  
24 that. I'm not familiar with that. I know it's  
25 exists. That's all I know.

Page 167

1 Q How about OPS test? Is that something you  
2 are familiar with? O-P-S?  
3 A No.  
4 Q What are internal phone audits? IPA?  
5 A Internal phone audits? That's, as I  
6 mentioned before, where the internal auditors are  
7 logged onto your system and they silently monitor your  
8 call. In other words, they tap into your call to a  
9 customer, but you don't know they're there.  
10 Q Is that — is an IPA audit different than a  
11 QMS audit, or are they the same thing?  
12 A QMS audit is a knowledge of things like  
13 you're asking me, different terms. What are your  
14 quality measurements? Different questions relayed to  
15 the call center that you as a call center  
16 representative are required to know, and there was a  
17 little manual. I don't remember all the questions  
18 now, but they had to do with making sure, bottom line,  
19 that that customer was satisfied and you were meeting  
20 accepted standards for call taking. There's a — I  
21 think there's even like a universal guide on that out  
22 there somewhere, but I don't have it anymore. Once I  
23 left the call center, I left that phone, and I was  
24 happy.  
25 Q Right. Now, yesterday when we were talking

Page 168

1 about your calls with the HR rep, the rep was out of  
2 North Carolina — you could not remember what the  
3 person's name was?  
4 A Right.  
5 Q I don't suppose that you remembered that  
6 person's name overnight, have you?  
7 A I tried to think of it. I don't. I know  
8 it was a lady. I know that her voice didn't sound  
9 young, but she might have been and just had an old  
10 voice. I never met her. I don't know. And I — I  
11 was — she was not — I tried and tried to think of  
12 her name last night. She was not the real partner  
13 because I — when I called, I got a man, and the man  
14 referred me to this lady, and she was — after we  
15 finished, she told me she was going to do something  
16 else.  
17 Evidently, from what I understand — we  
18 have one over there now like that — they don't stay  
19 in their jobs forever and ever. They switch them  
20 around. Like, we have Beth England. Beth England is  
21 doing something else now. We have someone else, a  
22 man. I don't know who he is. I haven't even met him,  
23 but that's what I'm told.  
24 Q Do you remember who the man was that you  
25 first talked to?

Page 169

1 A Called him on the phone. Had to look  
2 around for the information because I didn't know this  
3 existed and just called him on the phone, and he said,  
4 well, actually, I don't do this, but this is who you  
5 need. But I don't remember, no.  
6 Q And you think the man was the actual HR  
7 partner?  
8 A Well, I think so, because after I got his  
9 name and all, I looked him up. We have blue pages,  
10 and you can look up and see people's name and title,  
11 and as far — as I recall, his title was there that he  
12 was that, but he told me that he was not anymore; I  
13 need to go to this lady.  
14 Q So do you know the position that the lady  
15 was in?  
16 A No, because I couldn't find her in blue  
17 pages, so I called her, and I — I kept calling her  
18 phone and her office, and she would not answer, and  
19 she would not answer, and she would not answer. I  
20 keep leaving messages, and finally one night I had a  
21 message on my message machine to call her; that she  
22 had gotten — she had told me that she had been out  
23 doing this, that, and the other, so — but that she  
24 was the right party, that she would help me.  
25 Q Now, when you called her —

Page 170

1 A Uh-huh.  
2 Q — you said you called her from home?  
3 A I did. I called her back in response to  
4 her having called me.  
5 Q Did you use a cell phone, or a landline?  
6 A No. Landline.  
7 Q The landline?  
8 A Landline.  
9 Q Who's the service provider in your area?  
10 Do you know?  
11 A We — it's changed, but I think we use AT&T  
12 now.  
13 Q Can you describe for me — this is when you  
14 were in IBM Teach — what was the process at the end  
15 of the day?  
16 A At the end of the day? You mean at days —  
17 Q When you were done working for the day,  
18 what would you do?  
19 A Okay. When you were done working for the  
20 day, you needed to put all your stuff away, make sure  
21 you had a clean desk, and be signed off all the  
22 systems, and I had to make sure that all my direct  
23 queue had been worked. If it hadn't, I needed to work  
24 it, so I — then I would log off taking live calls,  
25 unless there were calls in the queue.

Page 171

1 If there were calls in the queue, you  
 2 couldn't leave. Calls in queue had to be worked. If  
 3 you had a call, you had to stay there until it was  
 4 finished, and then I could finish working my direct  
 5 queue and then put up everything, make sure everything  
 6 is turned off, clean, locked up. Then I could go  
 7 home.  
 8 Q How long would it take to log out of the --  
 9 well, log out of everything you were logged into?  
 10 A And that's assuming that everything -- I  
 11 was finished with everything?  
 12 Q Yes. Let me be clear. From --  
 13 A Okay.  
 14 Q -- when you were ready to log off at the  
 15 end of the day --  
 16 A Yes.  
 17 Q -- and you had to get out of Avaya and  
 18 whatever applications you were in --  
 19 A Yes.  
 20 Q -- and power the computer down, how long  
 21 would that process take?  
 22 A About ten to 15 minutes.  
 23 Q And if there were no calls in queue, could  
 24 you begin that process before the end of your shift?  
 25 A No. You had to stay available because no

Page 172

1 one knew if a call might come in at that last minute.  
 2 No. You had to stay available.  
 3 Q So you never started that process before  
 4 the end of your shift?  
 5 A No.  
 6 Q Are you aware of any of your co-workers who  
 7 would start that process before the end of their  
 8 shift?  
 9 A No.  
 10 Q Are you aware of any employees who would go  
 11 into an unavailable AUX code at the end of their shift  
 12 and begin to power off?  
 13 A No. No. We were religious on staying  
 14 available.  
 15 Q But you don't know if any other employees  
 16 ever did that or not? Went into an AUX code so they  
 17 could not get any other calls before the end of their  
 18 shift?  
 19 A No.  
 20 MR. ROSSMAN: I have no further questions.  
 21 MR. ZOURAS: Just very briefly.  
 22 EXAMINATION  
 23 BY MR. ZOURAS:  
 24 Q Cathy, when you worked on the third  
 25 floor --

Page 173

1 A Yes.  
 2 Q -- of the --  
 3 A Riveredge?  
 4 Q -- Riveredge facility, approximately how  
 5 many Teach call center representatives were there?  
 6 A At what point in time? When I first  
 7 started in Teach?  
 8 Q Let's start with that.  
 9 A Okay. There were 52.  
 10 Q Okay. Now, did that number change over  
 11 time?  
 12 A It did.  
 13 Q Okay. And how, you know, widely did the  
 14 numbers vary?  
 15 A What numbers are you speaking of?  
 16 Q The total number of Teach representatives?  
 17 Did it go up? Did it go down? And if so, like how  
 18 dramatically?  
 19 A It went down. We started with one team of  
 20 52 to 60, roughly, and we had one manager, Linda  
 21 Wormley, and Sherry Hanks was second line, and then  
 22 that was split into two functions. We had Esther  
 23 Alston on one side, and we had Van Grady on the other  
 24 side. I was on the Van Grady side, but I had to  
 25 interact with both managers.

Page 174

1 Q Okay.  
 2 A In other words, Esther could come over on  
 3 our team and say, you need to go available because  
 4 even though we were two different groups, we were all  
 5 one umbrella, one call center, and so that went -- and  
 6 then the Ed card group that was part of us was split  
 7 off into a little section, then it kept going down,  
 8 down.  
 9 People hated call center because of  
 10 having to work so much time, having to stay on the  
 11 phone so much. They -- the saying was that we were  
 12 ball and chained to the phone, and we were, and we  
 13 lived in fear so much so that when I left that call  
 14 center and went over to volume, I was -- I was afraid  
 15 to submit -- in the eTOTALS I was afraid to submit  
 16 totals. But as time went on, we finally wound up with  
 17 less than 12 employees, to make a long story short.  
 18 Q You mean at the very end?  
 19 A At the very end, yes, sir.  
 20 Q What about when you moved over to the  
 21 Smyrna Highlands --  
 22 A Smyrna Highlands.  
 23 Q -- facility?  
 24 A Uh-huh.  
 25 Q What was the number at that time?

Page 175

1 A Approximate?  
 2 Q Yes.  
 3 A Approximate ballpark, around 20ish or so.  
 4 Q And if we include all the call center  
 5 representatives at Smyrna Highlands -- not just in  
 6 Teach, but everybody -- do you have a rough idea?  
 7 A Oh, my goodness. Oh, my goodness. Well  
 8 over -- I would say well over 150. 200 maybe.  
 9 Q And when you went to the fifth floor of the  
 10 Riveredge facility --  
 11 A Uh-huh.  
 12 Q -- on your floor --  
 13 A Uh-huh.  
 14 Q -- the number, the approximate number of  
 15 all call center representatives, including Teach?  
 16 What is that number?  
 17 A I would say about the same because  
 18 Entitlement had grown huge, huge. Hardware was huge.  
 19 Partner World was huge. We were the ones that were  
 20 downsizing.  
 21 Q And --  
 22 A And the reason being, because those areas,  
 23 they could get paid a differential for working on  
 24 weekends, and we were not open on weekends.  
 25 Q And did Sharon Lofton oversee all of the

Page 176

1 call center representatives on the fifth floor?  
 2 A She did.  
 3 Q Was her office actually on the fifth floor?  
 4 A She was on the fifth floor part of the  
 5 time, and then she was moved to the third floor, which  
 6 didn't make any sense because we were on the fifth  
 7 floor. I don't know why that happened, but she was  
 8 relocated and then came back, and her purse got stolen  
 9 in that interim, so I don't know if that had something  
 10 to do with it or not.  
 11 Q We talked about the time spent before your  
 12 shifts that you had to spend logging onto your  
 13 computer.  
 14 A Yes.  
 15 Q Do you remember that?  
 16 A Yes, I do.  
 17 Q Did anyone at IBM ever tell you that you  
 18 should record the time spent doing that?  
 19 A No.  
 20 MR. ROSSMAN: Objection; leading.  
 21 THE WITNESS: But -- no, no. It was -- you  
 22 were required to do that. That went with the  
 23 territory.  
 24 MR. ZOURAS: I have nothing further. Thank  
 25 you.

Page 177

1 MR. ROSSMAN: I have got a couple others.  
 2 FURTHER EXAMINATION  
 3 BY MR. ROSSMAN:  
 4 Q Now, I believe when you were on the fifth  
 5 floor --  
 6 A At Riveredge?  
 7 Q At Riveredge.  
 8 A Yes, sir.  
 9 Q The second time you were there, you said  
 10 the hardware group was there, Partner World was there.  
 11 A And Entitlement.  
 12 Q And then you -- I believe you testified you  
 13 didn't know what other groups were there?  
 14 A No. I said Entitlement because Yolanda  
 15 Brown was there, my friend in Entitlement.  
 16 Entitlement had two groups at that time. Huge groups.  
 17 Q Do you know every group that was on the  
 18 fifth floor the second time you were there?  
 19 A Not every group, no.  
 20 Q How do you know that the employees on the  
 21 fifth floor all reported to Sharon Lofton?  
 22 A Because she was second line. We -- I  
 23 knew -- you can go on the Web and see what her  
 24 reporting is and who the groups are under her. You  
 25 can go right now and see who Kim Ramirez has

Page 178

1 answering. It's loaded in blue pages.  
 2 Q Did you ever check that?  
 3 A Absolutely.  
 4 Q Why did you check it?  
 5 A I was curious.  
 6 Q How do you know that the groups -- how do  
 7 you know that all the groups, though, if you don't  
 8 even know which groups were on the fifth floor,  
 9 reported to Sharon Lofton?  
 10 A I'm speaking of the groups that I knew of,  
 11 plus looking her up in blue pages tells you the other  
 12 groups, even if you don't know they're there. They  
 13 list everything that falls under her. You can go in  
 14 blue pages now and find out. It's there for anybody.  
 15 Q Now, I think you also testified about  
 16 Smyrna Highlands, that -- well, let me ask you this  
 17 way. Do you know all the groups that were at Smyrna  
 18 Highlands when you were there? All the call center  
 19 groups?  
 20 A All the call -- I said I didn't. I told  
 21 you the ones that I knew.  
 22 Q So when you just testified that there were  
 23 I believe 150 to 200 call center employees at Smyrna  
 24 Highlands, what does that number include?  
 25 A That includes the Partner World folks that

Page 179

1 were there that I recall. It includes that little  
2 hardware group that was there. It includes the Teach  
3 group that was there and the salespeople that fell  
4 under the call center, and there were -- oh, there  
5 were -- there were so many of them. They were  
6 everywhere.

7 Q How do you know there were 150 to 200  
8 people? Is that just a guess?

9 A Guesstimate, yes. I didn't physically  
10 count them, but I -- to go to the lunch, the sales  
11 group would hold meetings, and the hall there before  
12 the lunchroom would be blocked. There would be so  
13 many bodies, and they were all people from the sales  
14 center.

15 Q When was Van Grady your manager?

16 A After I -- after Linda Wormley left, and I  
17 don't have a good memory for the year, but he followed  
18 Linda Wormley.

19 Q And it was before Kerry Bethea?

20 A Yes, it was.

21 Q And did Van Grady leave IBM Teach when  
22 Kerry Bethea became your manager?

23 A Van Grady fell in love with a woman in  
24 North Carolina and married her and then died. He  
25 died. They built a house on the old property, and he

Page 180

1 died the Friday before he was supposed to close on the  
2 house of a massive heart attack. He retired from IBM.

3 Q Well, I'm sorry. To hear that.

4 A Uh-huh.

5 Q But I just want to be clear. When Kerry  
6 became your manager, he left to go to -- he, Van  
7 Grady, left --

8 A Van retired.

9 Q Van retired at that point in time?

10 A He retired, yes. He had -- well, you have  
11 to start the procedure before, but, yes, he was  
12 retired. He had many, many years with IBM.

13 Q Now, between the time that you started with  
14 IBM Teach and the time that Teach was outsourced --

15 A Uh-huh.

16 Q -- did you apply for any other positions  
17 within IBM?

18 A One.

19 Q What position was that?

20 A Entitlement. But I didn't apply. We --  
21 the department was told we needed to apply if we  
22 wanted a job, so everybody had to go, whether you  
23 wanted to or not. I didn't want to.

24 Q You didn't want to?

25 A I didn't want to go in Entitlement, no.

Page 181

1 Q Did you apply for any positions outside of  
2 IBM between the time that you entered Teach and the  
3 time that Teach was outsourced?

4 A The only one is this volume. I didn't  
5 leave Teach for anything else or apply for anything  
6 else. Just this one over with Kim Ramirez.

7 Q So you never wanted to leave Teach?

8 A I loved Teach. I loved the work. It was  
9 stressful, but I was good. I won lots of awards, and  
10 I loved going after awards. I'm an achiever. You put  
11 an award out there, it's going to be mine, and I'm  
12 going to get it.

13 MR. ROSSMAN: I got nothing further.

14 MR. ZOURAS: Neither do I.

15 THE VIDEOGRAPHER: Off video.

16 (Deposition concluded at 11:22 a.m.)

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Page 182

# 1 CERTIFICATE

2 I hereby certify that the foregoing  
3 transcript was reported, as stated in the caption;  
4 that the witness was duly sworn and elected to reserve  
5 signature in this matter; that the colloquies,  
6 questions and answers were reduced to typewriting  
7 under my direction; and that the foregoing pages 66  
8 through 181 represent a true, correct, and complete  
9 record of the evidence given.

10 The above certification is expressly  
11 withdrawn and denied upon the disassembly or  
12 photocopying of the foregoing transcript, unless said  
13 disassembly or photocopying is done under the auspices  
14 of Hundt Reporting, LLC and the signature and original  
15 seal is attached thereto.

16 I further certify that I am not a  
17 relative or employee or attorney of any party, nor am  
18 I in any way interested in the result of said case.

19 Pursuant to Article 8B of the Rules and  
20 Regulations of the Board of Court Reporting of the  
21 Judicial Council of Georgia, I make the following  
22 disclosure: That I am a Georgia Certified Court  
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This, the 31st day of October, 2008.

THOMAS R. BREZINA, CCR-B-2035

Page 183

## ERRATA SHEET

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

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I, the undersigned, CATHY BARDAY, do hereby certify that I have read the foregoing deposition and that said transcript is true and accurate, with the exception of the following changes noted below, if any:

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Page 184

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CATHY BARDAY

Sworn to and subscribed before me,

\_\_\_\_\_, Notary Public.

This \_\_\_\_\_ day of \_\_\_\_\_, 2008.

25 My Commission Expires: